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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF AGENDA FOR MATTERS SCHEDULED
FOR HEARING ON FEBRUARY 16, 2022 AT 10:00 A.M.**

CONTESTED MATTERS

1. **10-05169; Picard v. Fairfield Pagma, et al.**

- A. Trustee's Memorandum of Law in Support of Motion for Summary Judgment filed by David J. Sheehan on behalf of Irving H. Picard (Filed: 11/17/2021) [ECF No. 95]

- B. Trustee's Statement of Material Facts in Support of Motion for Summary Judgment filed by David J. Sheehan on behalf of Irving H. Picard (Filed: 11/17/2021) [ECF No. 96]
- C. Declaration of Nicholas J. Cremona in Support of Trustee's Motion for Summary Judgment filed by David J. Sheehan on behalf of Irving H. Picard (Filed 11/17/2021) [ECF No. 97]
- D. Declaration of Lisa M. Collura, CPA, CFE, CFF filed by David J. Sheehan on behalf of Irving H. Picard (Filed 11/17/2021) [ECF No. 98]
- E. Declaration of Bruce G. Dubinsky, MST, CPA, CFE, CVA, CFF, CAMS, MAFF filed by David J. Sheehan on behalf of Irving H. Picard (Filed 11/17/2021) [ECF No. 99]
- F. Declaration of Matthew B. Greenblatt, CPA/CFF, CFE filed by David J. Sheehan on behalf of Irving H. Picard (Filed 11/17/2021) [ECF No. 100]

Opposition Due: December 22, 2021

Opposition Filed:

- G. Defendant's Memorandum of Law in Opposition to Trustee's Motion for Summary Judgment filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman (Filed: 12/22/2021) [ECF No. 105]
- H. Defendants' Rule 56.1 Response to the Trustee's Statement of Material Facts filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman (Filed: 12/22/2021) [ECF No. 104]
- I. Declaration of Brian J. Neville filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman (Filed: 12/22/2021) [ECF No. 106]
- J. Declaration of Adam Kansler filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman (Filed: 12/22/2021) [ECF No. 107]
- K. Declaration of Bonnie Joyce Kansler filed by Barry R. Lax on behalf of Estate of Marjorie Kleinman (Filed: 12/22/2021) [ECF No. 108]
- L. Declaration of Ronni Leo filed by Barry R. Lax on behalf of Bonnie Joyce Kansler (Filed: 12/22/2021) [ECF No. 109]

Replies Due: January 12, 2022

Replies Filed:

- M. Trustee's Reply Memorandum of Law in Further Support of Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 1/12/2022) [ECF No. 116]
- N. Trustee's Responses and Objections to Defendants' Statement of Additional Material Facts filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 1/12/2022) [ECF No. 117]
- O. Declaration of Maximillian S. Shifrin in Further Support of Trustee's Motion for Summary Judgment filed by Nicholas Cremona on behalf of Irving H. Picard (Filed: 1/12/2022) [ECF No. 118]

Related Documents:

- P. Notice of Trustee's Motion for Summary Judgment filed by David J. Sheehan on behalf of Irving H. Picard (Filed: 11/17/2021) [ECF No. 94]
- Q. Stipulation and Order Modifying Briefing Schedule signed on 12/1/2021. (DuBois, Linda) (Entered: 12/02/2021) [ECF No. 102]
- R. Notice of Adjournment of Hearing re: Motion for Summary Judgment /Notice of Trustee's Motion for Summary Judgment filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff; Hearing not held and adjourned to 1/19/2022 at 10:00 AM at Videoconference (ZoomGov) (CGM) (Kinchen, Gwen). (Entered: 12/15/2021) [ECF No. 103]
- S. Notice of Adjournment of Hearing re: Motion for Summary Judgment /Notice of Trustee's Motion for Summary Judgment filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff; hearing held and adjourned to 2/16/2022 at 10:00 AM at Videoconference (ZoomGov) (CGM) (Ashmeade, Vanessa). (Entered: 01/19/2022) [ECF No. 119]
- T. Declaration of Matthew B. Greenblatt [As directed by the Court, filed to correct Attachment B, ECF 100] filed by David J. Sheehan on behalf of Irving H. Picard (Filed 1/19/2022) [ECF No. 127]

Status: This matter is going forward.

2. **10-04468; Picard v. Ken-Wen Family Limited Partnership, et al.**

- A. Defendant Kenneth W. Brown's Motion for Summary Judgment filed by Mark S. Roher on behalf of Kenneth W. Brown, in his capacity as a General Partner of the Ken Wen Family Limited Partnership (Filed: 11/5/2021) [ECF No. 174]

Opposition Due: December 1, 2021

Opposition Filed:

- B. Memorandum of Law in Support of (I) Opposition to Defendant Kenneth W. Brown's Motion for Summary Judgment, (II) Cross Motion for Summary Judgment as to Defendant Kenneth W. Brown, and (III) Motion for Summary Judgment as to Defendant Ken-Wen Family Limited Partnership filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/1/2021) [ECF No. 179]
- C. Trustee's (I) Objections, Responses, and Counterstatement of Material Facts to Defendant Kenneth W. Brown's Motion for Summary Judgment and (II) Statement of Material Facts Pursuant to Fed. R. Civ. P. 56, Fed. R. Bankr. P. 7056 and Local Rule 7056-1 in Support of Trustee's (A) Cross Motion for Summary Judgment as to Defendant Kenneth W. Brown and (B) Motion for Summary Judgment as to Defendant Ken-Wen Family Limited Partnership filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/1/2021) [ECF No. 180]
- D. Declaration of Michael S. Neiburg in Support of Trustee's (I) Opposition to Defendant Kenneth W. Brown's Motion for Summary Judgment, (II) Cross Motion for Summary Judgment as to Defendant Kenneth W. Brown and (III) Motion for Summary Judgment as to Defendant Ken-Wen Family Limited Partnership filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/1/2021) [ECF No. 181]
- E. Declaration of Lisa M. Collura, CPA, CFE, CFF filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/1/2021) [ECF No. 182]
- F. Declaration of Bruce G. Dubinsky, MST, CPA, CFE, CVA, CFF, CAMS, MAFF filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/1/2021) [ECF No. 183]
- G. Declaration of Matthew B. Greenblatt, CPA/CFF, CFE filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/1/2021) [ECF No. 184]

Combined Opposition and Reply of Defendant Due: February 4, 2022

Replies Filed:

- H. Reply to Motion and Response in Opposition to Cross Motion for Summary Judgment filed by Mark S. Roher on behalf of Kenneth W. Brown, in his capacity

as a General Partner of the Ken Wen Family Limited Partnership (Filed: 2/4/2022) [ECF No. 203]

Reply in Support of Cross-Motion Due: February 11, 2022

Replies Filed:

- I. Reply Memorandum of Law in Further Support of Cross-Motion for Summary Judgment as to Defendant Kenneth W. Brown filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 2/11/2022) [ECF No. 205]
- J. Supplemental Declaration of Michael S. Neiburg in Further Support of Trustee's Cross-Motion for Summary Judgment as to Defendant Kenneth W. Brown filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 2/11/2022) [ECF No. 206]

Related Documents:

- K. Joint Stipulation and Order Regarding (I) Adjourning Defendant's Motion to Compel, *Sine Die*; (II) Briefing Schedule on Defendant's Motion for Summary Judgment and Plaintiff's Cross-Motion for Summary Judgment signed on 11/15/2021. (DuBois, Linda) (Entered: 11/15/2021) [ECF No. 175]
- L. Notice of (I) Opposition to Defendant Kenneth W. Brown's Motion for Summary Judgment, (II) Cross Motion for Summary Judgment as to Defendant Kenneth W. Brown, and (III) Motion for Summary Judgment as to Defendant Ken-Wen Family Limited Partnership filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/1/2022) [ECF No. 178]
- M. Notice of Hearing Regarding Notice of (I) Opposition to Defendant Kenneth W. Brown's Motion for Summary Judgment, (II) Cross Motion for Summary Judgment as to Defendant Kenneth W. Brown, and (III) Motion for Summary Judgment as to Defendant Ken-Wen Family Limited filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed: 12/2/2021) [ECF No. 185]
- N. Notice of Adjournment of Hearing RE: Motion for Summary Judgment filed by Mark S. Roher on behalf of Kenneth W. Brown, in his capacity as a General Partner of the Ken Wen Family Limited Partnership; Hearing not held and adjourned to 1/19/2022 at 10:00 AM at Videoconference (ZoomGov) (CGM) (Kinchen, Gwen). (Entered: 12/15/2021) [ECF No. 190]
- O. Amended Joint Stipulation and Order Regarding Briefing Schedule on (I) Defendant's Motion for Summary Judgment, (II) Plaintiff's Cross Motion for Summary Judgment as to Defendant Kenneth W. Brown, and (III) Plaintiff's Motion for Summary Judgment as to Defendant Ken-Wen Family Limited Partnership signed on 12/16/2021. (DuBois, Linda) (Entered: 12/16/2021) [ECF No. 191]

- P. Motion to Extend Briefing Deadlines and to Adjourn Hearings Scheduled for February 16, 2022 to March 16, 2022 filed by Mark S. Roher on behalf of Kenneth W. Brown, in his capacity as a General Partner of the Ken Wen Family Limited Partnership. (Filed: 1/21/2022) [ECF No. 198]
- Q. Response to Motion of Defendant Kenneth W. Brown to Extend Briefing Deadlines and to Adjourn Hearing Scheduled for February 16, 2022 filed by Matthew B. Lunn on behalf of Irving H. Picard (Filed 1/24/2022) [ECF No. 199]
- R. ORDER: ORDERED that Defendant Browns Motion, ECF No. 198, is GRANTED in part, and the Defendant is given until February 4, 2022 at 5pm EST to file his response papers. The Trustee shall file his reply in support of the cross-motion by February 11, 2022 at 12pm. The Court will hear the Defendants motion for summary judgment and the Trustees cross-motion on February 16, 2022 at 10am EST via Zoom. So Ordered. /s/ Cecelia G. Morris (Ashmeade, Vanessa) (Entered: 02/02/2022) [ECF No. 202]
- S. Notice of Filing Exhibits 7 through 11 to Reply [DE 203] filed by Mark S. Roher on behalf of Kenneth W. Brown, in his capacity as a General Partner of the Ken Wen Family Limited Partnership (Filed 2/6/2022) [ECF No. 204]

Status: This matter is going forward.

Dated: February 11, 2022
New York, New York

Respectfully submitted,

/s/ Nicholas J. Cremona
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Liquidation of Bernard L. Madoff Investment
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